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SUBJECT: MACEDONIA: PRIMER ON PROCEDURAL ASPECTS OF
MARCH/APRIL PRESIDENTIAL AND MUNICIPAL ELECTIONS

REF: 09 SKOPJE 49

SUMMARY:

¶1. (SBU) Just nine months after holding parliamentary elections marked by violence, intimidation and serious irregularities, Macedonia will hold its first-ever concurrent presidential and mayoral/municipal elections, with the first round on March 22 and second on April 5. With Euro-Atlantic integration progress at a standstill, all eyes are on preparations for the upcoming campaign and elections, and all parties know that these elections must be markedly better than the last. Political aspects of the Presidential (reftel) and local (septel) elections notwithstanding, there are many procedural challenges to jointly administering presidential and mayoral/municipal elections. The State Electoral Commission (SEC), Municipal Electoral Commissions (MECs) and Local Electoral Boards (LEBs) have been re-constituted under tight timelines, and face the challenges of time and human resources to sufficiently train and prepare ahead of the elections. This primer provides an overview of the procedural aspects of the upcoming elections. End summary.

Brief Campaign

¶2. (U) The official campaign period lasts only twenty days, beginning March 2. Parties are subject to fines for any political rallies, advertisements or posters ahead of the campaign period. There is a one-day media blackout period on March 21, and rallies and advertising are not allowed on that day.

Elections Oversight: SEC, MECs and LEBs

¶3. (SBU) The State Electoral Commission (SEC), the 85 Municipal Electoral Commissions (MECs) and the nearly 3000 Local Electoral Boards (LEBs) are charged with the procedural aspects of administering elections. The SEC was re-constituted in December 2008, with four of its seven members remaining for another term. The SEC then established the MECs from a pared-down list of possible members, since 100 MEC members implicated in electoral fraud in the June 2008 elections were dismissed from service. The newly reformed MECs in turn constituted the nearly 3000 LEBs by the end of January. Changes to the electoral code altered the make-up of the LEBs for the March/April elections, with the requirement that two members from the parties in the government that received the most votes in the June 2008 elections (VMRO-DPMNE and DUI) and the two members from the opposition parties that received the most votes in the June elections (SDSM and DPA) be included in each of the LEBs, with the remaining six LEB members named from lists of public sector employees. The return to including political party representatives in the LEBs (after only a single instance) the June 2008 elections -- of constituting the LEBs

exclusively from public sector employees) does little to lessen concerns about political pressure and influence on the LEBs, a serious problem in the June 2008 elections.

¶4. (SBU) Training for the MECs began in the first week of February, and Embassy representatives participated in a number of the trainings throughout the country, reinforcing the importance of free and fair elections and reminding MEC members of the critical importance of these elections, and the watchful eye of many international observers. The MECs will begin training the LEBs in coming weeks, and unlike in previous elections, all LEB members must complete training before serving on the LEBs.

Presidential Election Procedures

¶5. (U) Presidential elections are held in two rounds, with the whole country as a single voting district. To be included on the ballot, a candidate must get signatures from 10,000 voters or 30 members of parliament, a threshold challenging for some potential candidates. A candidate could be elected in a single round only by securing 50% 1 vote of the total number of registered voters. The bloated voter list (nearly 1.8 million registered voters for a population of 2.1 million) and high number of presidential candidates (seven this time, between four and seven in previous elections) make a first-round win virtually impossible. The top two vote-getters thus advance to a second round. To win in the second round, a candidate must get the majority of votes from a newly-reduced (reftel) turnout of 40% of registered voters. If the threshold of 40% is not met, the electoral process is re-started from the beginning (nominations of candidates) and the Speaker of the

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Parliament serves as interim president (as he would in any absence of the President) until such time as elections are re-run and meet the 40% threshold.

Mayoral and Municipal Elections

¶6. (U) Each of Macedonia's 84 municipal electoral districts and the city of Skopje (an additional jurisdiction, comprised of the 10 municipalities of Skopje) will concurrently hold elections for municipal councils and for mayors. The municipal council elections, like parliamentary elections, are single-round elections with seats distributed according to the D'Hondt formula among the lists submitted by single parties or by coalitions of parties. Each municipal council has a number of seats determined by law according to population, ranging from 9 to 45, and each party or coalition of parties provides a list of candidates equal to the total number of available councilor seats in the municipality.

¶7. (U) Mayoral races, like the presidential race, require a minimum threshold of voters. Candidacy requires between 100 and 1000 signatures, depending on the population of the municipality. For a mayoral candidate to win in the first round of elections, he/she must earn 50% 1 vote of the total voter turnout, with a required turnout of at least 1/3 of the municipality's registered voters. Most jurisdictions will have a minimum of three candidates, but some have as many as eight, so first-round victories are not common. The vast majority of municipalities will require a second round to settle mayoral races, with the top two first-round candidates advancing to the second round. For the second round of mayoral races, there is no threshold for voter turnout, and the candidate who earns the most votes is declared the winner.

Skopje is Special

¶8. (U) Skopje voters add another layer to the above electoral structure by voting for president, council and mayor of the city of Skopje as a whole in addition to voting

for the municipal council and mayor of each of the ten Skopje municipalities. Thus voters in Skopje will be given five ballots, and election workers will need to manage this extra burden.

Challenges of the Combined Elections Format

¶9. (SBU) Combining of the presidential and municipal/mayoral elections has raised some challenging procedural questions. One such question is how many voter lists will be provided for each polling station) specifically, will voters be allowed to sign-in separately for presidential ballots, municipal council ballots, and mayoral ballots, thereby allowing them to vote only in the elections that interest them, and possibly impacting turnout? (See reftel discussion of concerns about voter turnout and the possibility of failed elections if the 40% threshold is not met.) A single voter list (forcing voters to take all three ballots in most places, five in Skopje) would speed movement through the voter check-in and boost turn-out rates (since an invalidated ballot would still count toward a turnout threshold), but could result in high numbers of invalidated ballots and conflict in the polling stations, as voters refuse to take ballots for races in which they do not wish to cast votes. Separate voter lists for each ballot (three in most municipalities, five in Skopje) would allow voters a choice of which elections to participate in, but would likely create serious logistical challenges and might completely overwhelm many polling stations. The SEC President recently told us that the decision on the number of voter lists is in the hands of the Ministry of Justice, which controls the voter register until later in 2009 when new electoral code amendments pass responsibility for the bloated and problematic voter list to the SEC. The SEC President will suggest two voter lists (four for Skopje) to the MoJ (one list for the presidential ballot and one list for both the mayoral and municipal council ballots) as the best solution. The most important elements of the MoJ,s decision will be consistency of application and voter education.

Two Rounds, We Beg You

¶10. (SBU) Re-runs would also present serious logistical challenges in the combined elections. If the SEC finds merit in appeals of results in particular polling stations based on irregularities, the SEC will invalidate votes in those polling stations. (Note: In the June 2008 parliamentary

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elections, the SEC properly took complaints and appeals seriously, and invalidated voting in nearly 200 polling stations representing more than 160,000 voters in the first round of elections. The Supreme Court upheld the vast majority of the invalidations. End note.) If the number of invalidated votes is sufficient to potentially affect the outcome of the race, the SEC calls for re-runs in those polling stations. The question remains whether certain elections could move to a second round while others are re-run. While there are a few scenarios for needing re-runs of some elections while having clear winners or second-round contenders in others, a likely possibility would be that the votes of particular invalidated polling stations could impact municipal and/or mayoral results, but not impact the top-two vote getters in the presidential race. We raised this possibility with SEC President Novakoski last week, to ascertain whether the second round of presidential elections could occur while some municipalities had re-runs of the first round of municipal and mayoral elections, a scenario he had not yet considered. Thus, even a handful of appeals and invalidations could slow the overall elections by several weeks (re-runs are held two weeks after initial rounds), especially if local re-runs halt progress in the presidential elections. Novakoski said he would consult closely with the ODIHR monitoring mission and seek its advice on this issue.

¶11. (SBU) Electoral code amendments have also created another procedural dilemma for the SEC. Previously criticized for allowing a &clone8 party intended to confuse voters (a party with a very similar name to the leading opposition party and nearly identical candidates, names) to appear on ballots in both the 2008 (reftel) and 2006 parliamentary elections, the SEC faces a new potential challenge related to &clone8 parties. Electoral code amendments now allow independent candidates to include a symbol or logo on the ballots. Previously, logos were limited to officially- registered political party logos. SEC President Novakoski recently told us there is no mechanism in the law for the Commission to ban logos intended to confuse voters, which are similar or even identical to those of political parties.

¶12. (SBU) Comment: While these elections present procedural challenges, our impression is that the SEC is reasonably competent and, equally important, reasonably empowered by the government to run free and fair elections. Novakoski is close to the main opposition party, SDSM, yet he has not complained to the international community of government meddling or lack of support, except for one glaring issue: he claims the Ministry of Interior has not consulted him about security matters. This is critical, and we will seek to correct it. End comment.

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